

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claim 12 is cancelled herein without prejudice to or disclaimer of the subject matter set forth therein. Claim 2 was previously cancelled. Claims 1, 3-11, and 13-23 are pending. Claims 11 and 19 are amended. Claims 1, 11, and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by canceling allowable claim 12 and incorporating the limitations thereof into independent claim 11. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Allowable Subject Matter

The Examiner states that claims 1, 3-10, 21-23 are allowed and that claims 12, 18, and 19 would be allowable if rewritten in independent form.

The Applicant thanks the Examiner for the indication of allowable subject matter in this application. In response, independent claim 11 has been amended to incorporate the allowable subject matter of objected-to claim 12. Accordingly, independent claim 11 is in condition for allowance.

Examiner Interview

If, during further examination of the present application, any discussion with the Applicant's Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, at 1-703-208-4030 (direct line) at his convenience.

Rejection Under 35 U.S.C. § 102(b)

Claims 11, 15-17 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Heath (U.S. Patent 3,863,445), and

claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heath in view of design choice.

These rejections are respectfully traversed.

Amendments to Independent Claim 11

As noted above, and while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 11 has been amended to incorporate the allowable subject matter of objected-to claim 12.

The present invention relates to a heat shield that is conventionally substituted in place of double-layered tube. In a curved section, the heat shield of the present invention covers the full circumference of the exhaust pipe for suppressing heat radiation towards outside. However, at a straight section, the heat shield of the present invention allows the traveling wind enter therein for promoting cooling of the exhaust heat. As explained above, in the present invention, the function (shielding/radiation heat) is selected in accordance with the sections.

On contrary, since the clearance of Heath is formed on entire of the exhaust pipe, Heath does not teach or suggest the above described concepts.

At least for the reasons described above, Applicant respectfully submits that the combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record, including Heath.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested. Independent claim 11 is in condition for allowance.

Application No.: 10/661,493
Amendment dated February 11, 2008
Reply to Office Action of November 9, 2007

Docket No.: 0649-1002PUS1
Art Unit: 3748
Page 14 of 15

Dependent Claims

The Examiner will note that dependent claim 12 has been cancelled, and that dependent claim 19 has been amended to reflect the cancellation of claim 12.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein.

All pending claims are now in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) and § 103(a) are respectfully requested.

Application No.: 10/661,493
Amendment dated February 11, 2008
Reply to Office Action of November 9, 2007

Docket No.: 0649-1002PUS1
Art Unit: 3748
Page 15 of 15

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (Direct Line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Dated: February 11, 2008

Respectfully submitted,

By

James M. Slattery

Registration No.: 28,380

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

for

#43,368

JMS/CTT/ktp